

1 MINUTES OF REGULAR MEETING OF NORTH LAKE COUNTY
2 HOSPITAL DISTRICT OF JANUARY 30, 2012
3

4 A regular meeting of the North Lake County Hospital District (the "District") was held
5 on January 30, 2012 at 5:15 p.m. in County Commission Chambers, Administration
6 Building, 315 W. Main Street, Tavares, Florida.
7

8 Mr. Ken Carpenter, Chairman, called the meeting to order and led the Pledge of
9 Allegiance. M. Meredith Kirste, attorney for the North Lake County Hospital District,
10 called the roll to ascertain the trustees present for the meeting, with the following
11 members in attendance: Ken Carpenter, Chairman; Marilyn Bainter; Robert Bone; Roger
12 Beyers; Jerry Brown; and Frances Grossi.
13

14 CHANGES TO AGENDA
15

16 Mr. Carpenter noted that an item was added under "New Business."
17

18 APPROVAL OF MINUTES
19

20 Mr. Carpenter stated that he wanted to correct the spelling of Mr. Eric Prutsman on Page
21 2, line 26 in the minutes of September 7, 2011, and that he also wanted to correct the
22 spelling of Ms. Frances Crunk's last name on Page 3, line 8 as well as on Page 5, line 32.
23 Also, on the minutes for September 14, Page 6, line 38, he pointed out that the word
24 "Medicaid" should be changed to "Medicare," and that on Page 10, line 10, the resolution
25 to approve the proposed budget should be changed to Resolution 2011-02.
26

27 Ms. Bainter proposed that the minutes should reflect on page 2, line 5 of the September
28 14 minutes that Ms. Sykes-Amos has "been associated with the Board" rather than "been
29 with the Board," and she also made a correction to Ms. Frances Crunk's name, changing
30 it from "Francis" to "Frances." She also wanted a dash in the name "Seventh-Day
31 Adventist" added to those sets of minutes on Page 7, line 25.
32

33 On a motion by Ms. Grossi, seconded by Mr. Bone and carried unanimously by a vote of
34 6-0, the North Lake County Hospital District board approved the Minutes of the meetings
35 of September 7, 2011 as amended; September 14, 2011 as amended; and November 2,
36 2011.
37

38 FINANCIAL REPORT – AUDIT PRESENTATION
39

40 Mr. W. Chet Ross from Shumacker, Johnston and Ross, PA presented the Annual
41 Financial Report and audited financial statements for the North Lake County Hospital
42 District for the year ending September 30, 2011, and he noted that all of the board
43 members have received the report that he sent certified to them. He asked if the board
44 members had any questions regarding this year's report.
45

46 Mr. Carpenter noted that the carry-forward balance this year was significantly higher than
47 the prior year, and he asked Mr. Ross about that.

1

2 Mr. Ross responded that his understanding was that the District fell a little short this
3 fiscal year trying to fund one of the contracts that they had with the state, because of
4 timing of the tax revenues, so it was requested by the hospitals that the District keep the
5 money in order to fully fund the contracts for the next fiscal year so that the hospitals can
6 realize the additional monies that are added to it.

7

8 Ms. Bainter expressed concern about the change in the \$10,000 carryover mentioned at
9 their meeting of September 7, 2011.

10

11 Ms. Sykes-Amos explained that the board members do not decide that, but the hospitals
12 made the request after that meeting not to receive the checks that were previously
13 prepared, so that they would have the money in order to receive the match.

14

15 Ms. Bainter commented that that was unacceptable to her and that they should do all of
16 their business during a public meeting under the Sunshine Law.

17

18 Mr. Carpenter pointed out that there has not been a change in the total number of dollars
19 that were approved to be sent to the hospitals and that the statute tells them to direct those
20 funds as the hospitals direct them to do. He commented that the timing of the payments
21 made no difference, and he specified that a little under \$500,000 was withheld from the
22 prior fiscal year and rolled over into this current fiscal year.

23

24 Mr. Bone pointed out that they had authorized approval of the contracts during that
25 meeting and that the checks be written based on those contracts for a not to exceed
26 amount, and there was nothing done to violate those contracts.

27

28 Mr. Beyers added that the hospitals actually benefited from taking those checks back and
29 that there was no negativity as a result of those checks coming back.

30

31 Mr. Ross responded that from an auditor's standpoint, the government only has a
32 problem when there is an overspending of a line item, and since in this case they were
33 \$382,000 underspent on an expenditure line item, there was no reporting required from
34 his standpoint.

35

36 On a motion by Mr. Beyers, seconded by Mr. Brown and carried by a vote of 4-2, the
37 North Lake County Hospital District board approved the District's Annual Financial
38 Report and audit for the fiscal year ending September 30, 2011, with Ms. Bainter and Ms.
39 Grossi voting "no."

40

41 RECORD DISPOSITION LIST

42

43 Ms. Sykes-Amos mentioned that she had e-mailed the record disposition list to the board
44 as part of the financial report, letting them know what records will be disposed of
45 according to the Board's policy and Florida Statute. She noted that each item that was
46 listed had an item number from the state archives, and she would have to measure and

1 weigh the amount of paper that would be shredded, which she would report to the state
2 archives.

3
4 Ms. Bainter asked if those records were scanned and put on a disk for the legislative
5 delegation when it asked for those records.

6
7 Ms. Sykes-Amos responded that they would do that for the ones they asked for, and she
8 specified that those records would be bank statements, invoices, EFT records, and
9 investment records, but not anything of a permanent nature that they would have to keep
10 such as budgets, audits, and minutes, which is always available for the legislative
11 delegation to look at. She also stated that the Public Disclosure Law sets the fees that
12 they would charge for that.

13
14 Mr. Carpenter added that they would be discussing later in the meeting the possibility of
15 having those in electronic format on the website.

16
17 PRESENTATION OF ANNUAL REPORT OF BOARD OF TRUSTEES

18
19 Mr. Carpenter stated that he was told that the Annual Report of the Board of Trustees was
20 comprised of the minutes of the meetings that they have had since the last presentation of
21 that annual report, which would be the Minutes of the September 7, September 14, and
22 November 2, 2011 meetings.

23
24 Ms. Kirste confirmed that was correct, and added that Chapter 2002-348 requires
25 specifically that there be presentation of an annual report, which consisted of all of the
26 minutes that transpired since the last annual meeting.

27
28 REAFFIRMATION OF RESOLUTION 98-1

29
30 Ms. Sykes-Amos explained that this resolution gives her permission to fill out the public
31 depository report each year for the state regarding what financial institution holds their
32 bank deposits.

33
34 On a motion by Mr. Brown, seconded by Mr. Bone and carried unanimously, the Board
35 reaffirmed Resolution 98-1, appointing Ms. Sykes-Amos as their board-appointed
36 representative to complete the public depository report.

37
38 ELECTION OF OFFICERS OF THE BOARD OF TRUSTEES

39
40 Mr. Carpenter explained that there were three positions on the Board, which were Chair,
41 Vice-Chair, and Secretary-Treasurer, and he asked for any nominations for Chair.

42
43 On a motion by Mr. Beyers, who made the nomination, seconded by Mr. Bone and
44 carried unanimously by a vote of 6-0, Mr. Carpenter was elected as Chair for the District
45 for the coming fiscal year.

46
47 Mr. Brown complimented Mr. Carpenter for what a good job he has done on this board.

1

2 On a motion by Mr. Carpenter, who made the nomination, seconded by Mr. Bone and
3 carried unanimously by a vote of 6-0, Mr. Beyers was elected as Vice-Chair.

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5 On a motion by Mr. Beyers, who made the nomination, seconded by Mr. Carpenter and
6 carried unanimously by a vote of 6-0, Mr. Brown was elected as secretary-treasurer.

7

8 OLD BUSINESS – WEBSITE

9

10 Mr. Carpenter recapped that they had spoken at the September meetings about creating a
11 website for the board and that Mr. Bone agreed to spearhead that effort on their behalf.

12

13 Mr. Bone commented that the backup materials provided a very rough draft which
14 needed additional input for what to include in the North Lake County Hospital District
15 website, and he explained that the intent was to provide information to describe what the
16 District is and what its purpose is, and then a section with a photograph and a small
17 biography giving a little information on each of the board members; a section with
18 information about meeting dates, agendas, contact information, and map location; and a
19 broad section of the type of information that they would want to have available via the
20 internet, such as the audits, financials, minutes, and budgets. He asked for any comments
21 or changes that the board members wanted to add and stated that they would need to find
22 a place to host the site, since the County would not be able to do that for them, suggesting
23 “Go Daddy” or a similar service. He asked if that would entail any bidding requirements,
24 although it would be a small amount that would be around \$100 year. He added that they
25 would be able to create a site on “Go Daddy” using template formats that they could use,
26 edit, and maintain themselves. He noted that they would have to pay an annual fee to
27 own a domain name for about \$30 to \$75 a year, and then they would have to create a
28 website to go with that that could be accessed by anyone from the internet.

29

30 Mr. Carpenter asked if he is proposing that the editing and updating be done by an
31 outside organization.

32

33 Mr. Bone responded that that would depend on how involved they want to be with the
34 site, and he did not think a basic site would require much editing. He suggested that
35 community organizations might do that at reduced rates or for free.

36

37 Mr. Carpenter stated that he believed they as a board would not be able to individually
38 make changes, and they would designate a person or organization to do so. He also
39 thought that the board could give a list at this meeting of the items that they want to be
40 made available on the web site, such as frequently asked questions. He commented that
41 he would prefer to have someone professional or experienced to maintain the site rather
42 than getting involved with all of the technicalities of maintaining the site.

43

44 Ms. Bainter suggested that they include their legislation and the purpose of the district on
45 the front page, which she felt was the most important thing. She pointed out that the
46 County website does not contain the background of the Commissioners, and she opined

1 that it would be better to keep it simple, with a way for the public to voice their
2 complaints.

3
4 Mr. Vance Jochim suggested that they use a .org or .gov address, and he stated that he
5 would not recommend that the board members handle the website, since it was complex.
6 He mentioned that there was a webmaster that did the website for the Eustis Chamber,
7 and he could forward some names of people he knows to create and maintain the
8 template to the board. He believed that the board should budget about \$500 and to let
9 Mr. Bone make a decision that would get it started, since the District would not be having
10 a meeting for several months.

11
12 Mr. Bone asked if he had to do a request for bids for this small amount.

13
14 Ms. Kirste responded that he would not have to do that as far as she is aware of.

15
16 Mr. Jochim suggested that Mr. Bone have Ms. Kirste send the quotes he receives to all of
17 the board members, and he offered WordPress, which is a blog, as another alternative.

18
19 Ms. Sykes-Amos mentioned that they could pay this out of a category called “other
20 current charges and meetings,” and they could do a budget amendment in September if
21 needed.

22
23 Mr. Brown stated that he believed it would be good to include FAQ’s (frequently asked
24 questions), such as where the money was going, general updates, how to contact the
25 board, and what is upcoming. He commented that they could get it started soon, and then
26 they may have a number of revisions to discuss by their next meeting, since it would be a
27 work in progress.

28
29 Ms. Sykes-Amos related that Mr. Bone could send the bids to her as the intermediary,
30 and she would distribute that information to the rest of the board members.

31
32 Mr. Carpenter stated that they could at least have a preliminary website with basic
33 information and documents on it, and then discuss it again in September, and he believed
34 the authorization should be for up to \$1000 to make sure they had enough funding to do
35 this.

36
37 Mr. Bone suggested that they have authority to enter into a contract for those services.
38 He added that he believed they should keep it bare bones, including the purpose in the
39 statute and information about the board members, and he could put the information that
40 everyone submits to him about themselves in there.

41
42 Mr. Beyers asked if there was an opportunity to make changes throughout the year rather
43 than waiting until September.

44
45 Mr. Carpenter stated that he wanted to add to the site at least an identification of where
46 the records are kept, which would be Ms. Sykes-Amos’ office, but he did not think they
47 would need to include contact information for Ms. Kirste, since he did not believe she

1 could disclose any further information than what would already be on there. He asked if
2 any attachments of things mentioned in the minutes, such as presentations from
3 consultants, should be included. He opined that he would rather provide too much
4 information than not enough.

5
6 Mr. Brown commented that the objective is to make information available to ensure
7 transparency, and then they can do revisions as the year goes on.

8
9 Ms. Grossi opined that the only information she believes should be on the website in
10 regards to the board members should be what district they represent, when they were
11 elected to the board, how long they were on the board, their phone number, and e-mail
12 address, and she did not think the public needs to know their history.

13
14 Mr. Carpenter suggested that since some seem to be in favor of that and some are not,
15 they can leave it up to the individual board member as to what they put in their bio.

16
17 Mr. Brown opined that they should all be on the same page and suggested that it could
18 provide just basic information and be no more than 25 words. He added that he had some
19 apprehension about putting his phone number on the website, since he has a business to
20 run, and he preferred that anyone e-mail him and he would get back to them as promptly
21 as possible.

22
23 Mr. Carpenter concluded that everyone should put whatever they are comfortable with on
24 the site, and they will try to use a separate e-mail address through the website which
25 would be separate from their personal e-mail address for contact information and for the
26 public to leave a phone number or e-mail address in order to contact them as well.

27
28 Ms. Bainter opined that elected officials should be willing to talk to the public which they
29 serve.

30
31 Mr. Carpenter stated that rather than going through the formal RFP process, he asked if
32 Mr. Bone could call some potential web specialists on the phone to get a startup cost plus
33 the annual or monthly maintenance fee and get that information distributed to the board
34 members by sending it to Ms. Sykes-Amos. He commented that he wanted to get this
35 going before September.

36
37 Mr. Brown suggested that they use a template for their biographies to keep it standard.

38
39 Mr. Bone clarified that the template would include each member's name, photograph,
40 election term, district, occupation, education, birthplace, and length of residency in Lake
41 County, as well as the board e-mail address. He asked for everyone to provide that
42 information to Ms. Sykes-Amos. He also related that he thought that \$100 would be
43 sufficient for the monthly costs, since they would not be doing many regular changes to
44 the site.

45

1 Mr. Carpenter suggested that they authorize up to \$1000 for initial creation of the site
2 itself and up to \$200 per month for maintenance and allow Mr. Bone to enter into that
3 agreement.

4
5 Ms. Kirste asked who would have the authority to make changes to the website.

6
7 Mr. Carpenter asked if there was any issue with the documents listed on the last several
8 pages of the handout, and he clarified that the audited financial statements of the
9 hospitals receiving the funds would be included, as well as the minutes of all of the
10 meetings.

11
12 Mr. Beyers opined that he did not think they should post their minutes until they are
13 approved, and he suggested that the FAQ's be reviewed and posted by the staff attorney,
14 which should be streamlined and only pertain to the basics.

15
16 On a motion by Mr. Beyers, seconded by Mr. Brown and carried unanimously by a vote
17 of 6-0, the Board approved the expenditure of up to \$1,000 to develop a website and
18 \$1200 annually to maintain that website and for Mr. Bone to proceed with gathering
19 those bids and that information.

20
21 Ms. Bainter pointed out that the legislation does not mention indigent healthcare.

22
23 Ms. Sykes-Amos related that they could use the first two paragraphs in the audit report,
24 which is exactly out of the legislation, and she read from Page 9 of that report for the
25 record, including a statement that the purpose of the District as a local governmental
26 entity is to ensure continued hospital services for the residents of the District.

27
28 Mr. Bone suggested that they put the legislative language about the purpose on the first
29 page and put the additional language giving the history of the legislation and the rest of
30 the language read by Ms. Amos from the audit report in the "About Us" page.

31
32 On a motion by Mr. Bone, seconded by Mr. Beyers and carried unanimously by a vote of
33 6-0, the Board voted to place public documents going back to 2008 initially as it pertains
34 to the District such as agendas, approved minutes, budgets, audited financial statements
35 of the District and hospitals, membership of board, posting of upcoming meetings, and
36 the purpose of the district as described in the statute automatically without further vote of
37 the board. It was also decided to let Mr. Bone inquire about how much the cost would be
38 to be able to include documents that go back to 1995 and for the board to have discussion
39 about that in September.

40
41 ERRORS AND OMISSIONS INSURANCE DISCUSSION

42 Ms. Bainter recapped that Ms. Sykes Amos explained at a prior meeting that the errors
43 and omissions insurance policy covers employee theft up to \$25,000, and she asked for
44 clarification about what that insurance covers.

45
46 Mr. Carpenter opined that he believed it covered the board should Ms. Sykes-Amos
47 commit malpractice.

1 Ms. Sykes-Amos reinforced that it covered the board in the event of her malpractice, but
2 she did not know why the board wanted that coverage back in the 1990's, which was
3 renewed every year, along with their individual public bonds. She indicated that she
4 scanned and emailed the binder for the policies to the board members to look over.

5
6 Ms. Bainter indicated that she did not get that e-mail.

7
8 Ms. Sykes-Amos responded that she would send those e-mails again. She explained that
9 although they currently have that coverage, she did not think they needed it, because
10 there is nothing this board does that would result in that type of fiduciary problem,
11 although they had to have the public employee bond, which is bought for three years at a
12 time.

13
14 Ms. Bainter commented that she also believed that they did not need that coverage and
15 that Ms. Sykes-Amos was an independent contractor.

16
17 Ms. Sykes-Amos related that all that they have budgeted for insurance is \$2,000 per year
18 to cover their public bonds and this other board insurance.

19
20 Mr. Brown commented that he felt more comfortable continuing that coverage, although
21 it may be unlikely to be needed.

22
23 Mr. Chet Ross reported that they paid three premiums this past fiscal year of \$328 for Mr.
24 Brown, Ms. Grossi, and Mr. Bone for the public official bond; and they paid \$333 for the
25 \$25,000 commercial crime policy that they were referring to.

26
27 Mr. Carpenter proposed that they keep that insurance coverage, since it was an
28 immaterial amount considering what they spent on legal fees and other things this year.

29
30 Ms. Bainter asked what the performance bond on the board covers and what was meant
31 by "the faithful performance of their duties."

32
33 Ms. Sykes-Amos responded that the public employee bond was mandated by law.

34
35 Mr. Carpenter added that he presumed that it referred to adhering to the enabling statute.

36
37 Ms. Bainter clarified that as long as they are conducting their business to conform with
38 their enabling legislation, they would have no problems; however, she was concerned that
39 the letter of agreement that was signed by Frank Gaylord in 2010 did not conform to their
40 legislation, Section A-3, which stated that "four of the trustees should constitute a
41 quorum and a vote of at least four of the trustees is necessary for the transaction of any
42 business of the district."

43
44 Mr. Carpenter stated that he would comment on that issue when they get to that item on
45 the agenda.

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NEW BUSINESS

RECENT LEGISLATIVE DELEGATION PROPOSAL

Mr. Carpenter wanted to make sure everyone had a copy of the proposed legislation and was aware that it was currently making its way through Tallahassee, with bills on both the House and Senate side; and he related that the bills were still in committee and had not come up for a vote yet. He mentioned that several but not all of the board members were at the legislative delegation meetings.

Ms. Kirste commented that she checked with Mr. Metz's office to make sure that the backup reflected the most recent redraft of the bill, and she was informed by his aide this afternoon that this was the last version and current draft, with no further amendments made.

SCHEDULING OF THE BUDGET MEETINGS

Ms. Sykes-Amos stated that they have already checked available dates, and the Chambers should be available for September 13 and September 20, 2012 at 5:15 p.m. for the scheduled budget meetings and for January 24, 2013 for the annual meeting.

On a motion by Mr. Beyers, seconded by Mr. Grossi and carried unanimously by a vote of 6-0, the District approved those dates for their upcoming meetings.

LETTERS OF AGREEMENT

Ms. Bainter stated that she wanted to discuss the Letters of Agreement (LOA) that were signed by Frank Gaylord, who was the Chairman at that time, on November 1, 2010, and she handed out copies of that, as well as a chronological outline and a letter she wrote to Ms. Sykes-Amos. She recapped that she asked at the meeting on January 27, 2011 when they would get their letter of agreement from the state on the LIP fund, but no one seemed to know anything about it at that time. She related that on March 25, she emailed Ms. Amos to ask if she had gotten the contract from ACHA (Agency for Healthcare Administration) for the LIP funds, who emailed back that she did not have the signed agreements and that this year the state is just billing when it wants funds, but she has some draft agreements without the amounts.

Ms. Bainter stated that on March 31, she e-mailed ACHA to ask when they would get their agreements for 2010-11 and received the copies of the current signed agreements that Frank Gaylord had signed on November 1, 2010; and she then made a public records request for all of the minutes from January 2005 to November 1, 2010 on April 6 to make sure that they did not vote on them. She e-mailed Ms. Amos on April 12, 2011 asking when the board approved the 2010-11 agreement and again on April 22 to provide proof of information showing that the board had approved a new LOA with ACHA and the resolution passed by the board on September 23, 2004 allowing the Chairman in the future to sign those. She had a telephone conversation with Ms. Amos verified by a letter the next day, where Ms. Amos gave her the address and phone number for Mr. Eric Prutsman, who was a lobbyist representing LRMC, the Villages Hospital, Central Florida Health Alliance, and South Lake Hospital. She commented that the letters of agreement are important, and they would benefit the hospitals for over \$5 million besides what they

1 receive from the tax money. She opined that everything has to go through this board, or
2 those hospitals are not eligible for that money without an intergovernmental transfer. Ms.
3 Bainter stated that she was concerned about insurance and how liable she and the other
4 board members would be if the public decides to file a class action lawsuit, since she
5 thought that the contract was null and void because it was not voted on. She asked where
6 the statutes state that they were allowed to do that.

7
8 Ms. Kirste responded that as indicated in the minutes of September 7, she believed that
9 this was an administrative function and that the hospitals directed in writing where the
10 funds could go in order to maximize the monies received, as stated in 2004-460, Section
11 4, Paragraph D.

12
13 Ms. Bainter opined that they would have to ask for an attorney general's opinion in this
14 case, since she did not believe it worked that way.

15
16 Mr. Carpenter commented that they had this exact same discussion at the meeting in
17 September, and they already have the legal opinion from their board attorney indicating
18 that they would be fine as long as they were acting in compliance with the enabling
19 statute. He added that the board agreed to give him authorization to sign the agreements,
20 even though they did not feel it was necessary, and he pointed out that they could be
21 liable if the hospitals lost matching funds because of their actions, since there were
22 deadlines in regard to when those monies are transferred and the agreements are signed.

23
24 Ms. Grossi opined that the enabling statute states that they are to give it in writing to the
25 board, but she did not believe they had done so, and she did not see anything that gives
26 the Chairman the power to enter into an agreement with the state without coming before
27 the board, which she believed was contrary to the Sunshine Law.

28
29 Mr. Carpenter clarified that the outgoing Chairman, Mr. Frank Gaylord, signed the
30 agreements for 2010 just prior to leaving office.

31
32 Mr. Bone opined that he believed it was moot to address anything that was done from
33 2010 at this point, since he did not think that those issues are pertinent to the existing
34 contracts that were voted on last September and need to be addressed by this board.

35
36 Ms. Bainter opined that Mr. Gaylord did not have the power to arbitrarily decide to sign
37 that contract on his own, and she proposed that they find out a timeline and set a special
38 meeting.

39
40 Ms. Sykes-Amos responded that last year it came in October, and this year they wanted
41 them signed by September 15; and in prior years they would allow her to make a payment
42 in July or August to be retroactive for June, but this year they would not take any money
43 after June 15. She commented that she usually could not predict when ACHA wants
44 those payments.

45
46 Ms. Bainter stated that she believed they needed to correspond with them and find out.
47

1 Ms. Bainter made a motion for the District board to ask the attorney general his opinion
2 on whether that contract was between the District board and the State of Florida or
3 whether it is between the hospitals and the state.

4
5 Mr. Carpenter asked whether the Letters of Agreement specify who it is between.

6
7 Ms. Grossi responded that it was between the district board and the state, and she opined
8 that they need to contact the attorney general and ask him the legality of the Chairman of
9 the board unilaterally entering into that contract for the board or if it has to come through
10 the board first.

11
12 Mr. Bone opined that the action they took in September of 2011 was to approve the
13 Chairman signing the contract, so he believed that issue would be moot.

14
15 Mr. Carpenter added that he did not know what the resolution would be for the
16 transactions that occurred late in 2010 if the attorney general rules that they should have
17 had an approval by the board.

18
19 Mr. Phil Braun, General Counsel for Central Florida Health Alliance, mentioned that Eric
20 Prutsman and the other lobbyists were simply couriers, and it would be fine if the District
21 would like those delivered in some other manner and pay for the delivery. He explained
22 that since Mr. Prutsman had an office in Tallahassee, he picks up the contracts for them,
23 which saves the hospital money.

24
25 Ms. Sykes-Amos explained that the agreement states that ACHA is supposed to invoice
26 those payments this year, and she sends the checks when they are due, along with a cover
27 letter based on the agreement. She added other than that, she will not hear a word from
28 ACHA all year long, and the precedent has been that the agreements come all different
29 times of the year with different numbers, which ACHA may amend during the year. She
30 noted that over the last 20 years, the board has never approved how she writes the check
31 and only has approved the budget.

32
33 Ms. Catherine Earhart, a resident of Eustis, stated that most of the hospitals in the state
34 qualify for LIP funds because they provide certain kinds of services and the fact that
35 there was an overabundance of Medicaid patients, but their hospitals which normally
36 would not qualify for those funds only qualify and are eligible for the extra money
37 because the citizens of this county are paying a hospital tax. She pointed out that Page 18
38 of the Sunshine Law under Delegation of Authority states "The Sunshine Law does not
39 provide for any government by delegation, and a public body cannot escape the
40 application of the Sunshine Law by undertaking to delegate the conduct of public
41 business." She stated that since the Sunshine Law provides that actions of a public board
42 are not valid unless they are made at an open public meeting, a County's attorney would
43 not be authorized to enter into a contract on a County Commission's behalf without
44 formal action by that County Commission and that she believed this was a similar type of
45 situation. She also added that the contract is between the District board and the state
46 rather than between the hospitals and the state.

1 Mr. Carpenter commented that he did not agree with that, since they did not have an
2 attorney entering into that, and the board's chairman was doing that. He asked the Clerk
3 to repeat the motion that was on the floor.

4
5 Ms. Bainter stated that she will table her motion for that night regarding asking the
6 attorney general for an opinion. She reiterated that the hospitals could not get those extra
7 funds without this taxing board, that the contract allowing them to get that money is
8 between the board and the state, and that they need to decide that in the sunshine.

9
10 Mr. Carpenter asked that the hospital representatives who were present to please do
11 everything they could to get those agreements to the board prior to the budget meetings in
12 September.

13
14 LETTER FROM ATTORNEY REGARDING STATUS OF LAWSUIT

15 Ms. Kirste noted that there was a letter in the packet from Mr. Lewis Stone advising the
16 board of the status of the current lawsuit.

17
18 Mr. Carpenter elaborated that the letter dated January 18 from Mr. Stone indicated that
19 there was a notice of appeal filed December 6 and that Florida Hospital Waterman filed a
20 notice of cross appeal a week later, and he read the letter aloud to the board. He directed
21 anyone who wanted any additional information to contact Mr. Stone.

22
23 ADJOURNMENT

24
25 On a motion by Mr. Beyers, seconded by Mr. Bone and carried unanimously by a vote of
26 6-0, the meeting was adjourned at 7:44 p.m.

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Ken Carpenter, Chairman